REMARKS

Claims 1-49 are pending in the instant application and stand rejected by the examiner. Claims 1 and 39 are independent claims. Claim 30 has been amended herein to correct a non-substantive typographical error. The assignee traverses the rejections of the pending claims.

Specification

The office action objected to the abstract. Assignee has submitted herein amendments to the abstract as set forth above. The assignee submits that these amendments introduce no new subject matter and are sufficient to overcome the objection stated in the office action. Therefore, the assignee respectfully requests that the objection be removed.

Claim Rejections – 35 U.S.C. §§ 102, 103

Claims 1, 6-8, 21-27, 33-34, and 39 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Network Working Group RFC 2633 (June 1999) (Ramsdell). Claims 19-20 and 36-37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ramsdell. Claims 2-5 and 40-48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ramsdell in view of U.S. Patent No. 6,496,853, issued to Klein (Klein). Also, claim 35 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ramsdell in view of Network Working Group RFC 1991 (August 1996) (Atkins). Claims 9-14, 16-17, 28-32, and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ramsdell in view of U.S. Patent No. 5,958,005, issued to Thorne, et al. (Thorne). Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ramsdell in view of Thorne and further in view of U.S. Publication No. 2002/0121394, application of Kamen, et al. (Kamen). Finally, claim 18 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ramsdell in view of Thorne and further in view of U.S. Patent No. 5,544,316, issued to Carpenter, et al. (Carpenter). These rejections are traversed.

Claim 1 of the instant application recites a method of mimetic message settings selection on a messaging client. The method detects an outgoing message and determines whether the outgoing message is related to a previously received message having message characteristics. If the outgoing message is related to a previously received message having message characteristics, then the messaging settings associated with the message characteristics of the related message are determined and used to control the message characteristics of the outgoing message.

The cited reference (Ramsdell) discloses a method for determining the encryption setting of an outgoing message. If a sending entity has no knowledge about the encryption/decryption capabilities of the recipient of such outgoing message and the sending entity has received at least one message from the recipient before, then the outgoing message uses the same encryption algorithm as was used on the last encrypted message received from the recipient.

The subject-matter of claim 1 and the technical teaching in Ramsdell significantly differ from each other as evidenced by their different approaches in processing messages. Claim 1 is based upon whether two message are related (e.g., contextual similarity, such as two message sharing similar text as recited in claim 2), whereas Ramsdell's approach is strictly temporally-based and does not involve a determination of whether messages are related, only a determination of what is the most recent message from a particular sender. Just because there may be two messages from the same sender, this does not serve to indicate whether the messages are related. In fact, the sender can send multiple consecutive unrelated messages. For this, the approach of claim 1 and the approach of Ramsdell would result in different results.

Stated otherwise, in claim 1, the message settings of an outgoing message are selected based on the message settings of a received message to which the outgoing message is related. In contrast, Ramsdell does not make use of the message settings of a received message to which the

outgoing message is related. Ramsdell teaches to select the encryption algorithm of an outgoing message based on the encryption algorithm of a message previously received from the recipient of the outgoing message. Thus, in Ramsdell the encryption settings of any message from the same recipient would be used in the outgoing message. However, according to claim 1, when focusing on message encryption, an outgoing message that responds to a previously received encrypted message from the recipient would be encrypted in the same way, whereas an outgoing message that responds to a previous unencrypted message would be not encrypted.

Furthermore, as the method in claim 1 does not rely on a message previously received from the recipient of the outgoing message but on a message to which the outgoing message is related, the messaging settings of the outgoing message are even then appropriately selected, when the outgoing message is a forward message comprising, for example, a portion of the previously received message. In this case, the messaging settings are selected as in the previously received message to which the forward message is related. However, according to Ramsdell, in case of forwarding a complete message or a portion thereof, the messaging settings of the outgoing message would be simply adapted to the settings of an arbitrary message received from the recipient of the outgoing message, irrespective of the content of the outgoing message.

Since claim 1's feature of determining whether an outgoing message is related to a previously received message and of controlling the message settings of the outgoing message according to the message settings of the previous message is neither anticipated nor rendered obvious by Ramsdell, the subject-matter of claim 1 is novel and thus is allowable.

The assignee disagrees with other positions in the office action as well. For example, claim 3 recites that a received message includes an attachment and that the step in claim 1 of determining whether an outgoing message includes a portion of a previously received message

comprises determining whether the outgoing message includes the attachment. In rejecting this claim, the office action cites Ramsdell in view of Klein. More specifically, the office action cites to column 9, lines 3-15 of Klein as teaching the attachment feature of claim 3. However, the processing disclosed in this passage of Klein is merely discussing that attachments can be added to a message, and there is no discussion of the specific features of claim 3 (i.e., wherein the step of determining whether the outgoing message includes a portion of a previously received message comprises the step of determining whether the outgoing message includes the attachment). For at least this additional reason, claim 3 is patentable over the cited references and should proceed to issuance.

With respect to the other independent claim 37, claim 37 recited analogous subject matter as claim 1. Accordingly, for similar reasons as claim 1, claim 37 is allowable and should proceed to issuance.

It is noted that the assignee has not presented arguments herein with respect to the other dependent claims in the instant application. This is done without prejudice to the assignee's right to present arguments regarding each of the dependent claims at any point in the future. Further, since all of the dependent claims in the instant application depend from independent claims that are patentable over the cited references, the dependent claims are themselves patentable for at least the reasons set forth with respect to the independent claims.
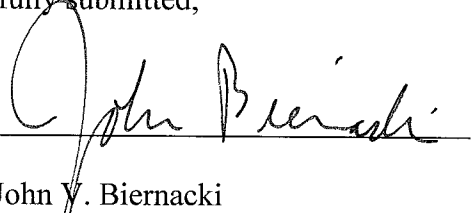
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CONCLUSION

For the foregoing reasons, the assignee respectfully submits that the pending claims are allowable. Therefore, the assignee respectfully requests that the examiner pass this case to issuance.

Respectfully submitted,

By: _____

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